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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Forty-fifth session
Agenda item 14

DISCRIMINATION AGAINST INDIGENOUS PEOPLES

Written statement submitted by the Indian Law Resource Centre, a non-governmental organization on the Roster

The Secretary-General has received the following written statement which is distributed in accordance with Economic and Social Council resolution 1296 (XLIV).

[30 July 1993]

Draft declaration on the rights of indigenous peoples

1. The draft declaration on the rights of indigenous peoples is based upon years of study and the recognition that thousands of indigenous cultures and communities are in danger of being destroyed forever unless steps are taken to protect their basic rights. If adopted by the member nations of the United Nations, the Declaration will become an important instrument for protecting the cultures, communities, religions and other basic rights and resources of Indian and Native tribes and nations throughout the world.

2. The draft declaration sets out the minimum standards or basic rights that must be respected for all indigenous peoples in all countries. It now declares a wide range of rights, including rights that apply to indigenous tribes and nations and to indigenous individuals. The strength and relevance of the rights declared in the draft declaration stem from the direct

involvement and participation by indigenous peoples in the drafting of the document. The subject of the rights of indigenous peoples is a unique and complex subject where special experience and insight are needed - the insight and experience that indigenous experts and leaders can provide. Indigenous peoples must be able to continue the work of defining our rights and educating United Nations member nations on the need for these rights.

3. Because of the direct involvement of indigenous leaders and representatives without regard for non-governmental organization accreditation, the Working Group on Indigenous Populations has been extremely active and productive. Above all, its work has been well informed and guided by analysis and insight only indigenous representatives can give. Therefore, we request the Sub-Commission to adopt the following resolutions:

(a) A resolution providing for the fullest possible attendance and participation of representatives of indigenous peoples at the Sub-Commission similar to the rules by which indigenous representatives at present participate in meetings of the Working Group on Indigenous Populations. A second resolution should be adopted recommending that the Commission on Human Rights also establish rules permitting the fullest possible attendance and participation of indigenous representatives at the Commission, similar to the rules by which indigenous representatives participate in meetings of the Working Group on Indigenous Populations. Under present rules, indigenous representatives without consultative status would not be allowed to participate, and this will be a great loss to the Sub-Commission and Commission. Participation by indigenous peoples should be available at all relevant meetings of the Sub-Commission and Commission, including any working group the Commission may set up to study and discuss the draft declaration;

(b) A resolution to amend the terms for use of the Voluntary Fund for Indigenous Populations to allow it to assist indigenous representatives with travel to such United Nations meetings that are of concern to them. Funds are not currently available from the Voluntary Fund for Indigenous Populations to help indigenous peoples attend the Commission on Human Rights in February and March. The importance of the work to be done at the Commission and the Sub-Commission in the coming years necessitates that funding be made available. We also ask supportive governments and non-governmental organizations to donate money to the Voluntary Fund to meet the increased needs for this year and next.

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